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PATENT APPLICATION

ATTORNEY DOCKET NO. 10004344 -1

Inventor(s): Michael J Bialek et al

Confirmation No.: 3290

Application No.: 09/627535

Examiner: Chau T. Nguyen

Filing Date: Jul 28, 2000

Group Art Unit: 2176

Title: Method Of Assembling Content From Content Providers

Mail Stop
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☒ Other Substitute Appeal Brief in response to Notification of Non-Compliant Appeal Brief Fee\$
☐ Petition to extend time to respond
☐ Supplemental Declaration

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Date of Deposit: 02/15/06

Typed Name: Raymond A. JenSKI

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Respectfully submitted,

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PATENT APPLICATION
Attorney Docket No: 10004344-1

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Inventor: Michael J. Bialek

Confirmation No.: 3290

Serial No: 09/627,535

Examiner: Chau T. Nguyen

Filing Date: 07/28/2000

Group Art Unit: 2176

Title: Method of Assembling Content from Content Suppliers

Assistant Commissioner for Patents
Washington, D.C. 20231

**APPELLANT'S BRIEF
UNDER 37 C.F.R. §1.192
(SUBSTITUE)**

To The Commissioner of Patents and Trademarks:

The present brief is in furtherance of the Notice of Appeal mailed February 25, 2005 and Notification of Non-Compliant Appeal Brief mailed January 17, 2006, in connection with the above captioned application.

I. Real Party in Interest

The inventor has assigned all rights and interest in the above captioned application for patent to the Hewlett-Packard Company as evidenced by the assignment recorded at Reel 011192, Frame 0984 (3 pages) and subsequently reassigned to the Hewlett-Packard Development Company evidenced by the assignment recorded at Reel 014061, Frame 0492.

II. Related Appeals and Interferences

No other appeals or interferences are pending in the above captioned application.

III. Status of Claims

Claims 1-15 are pending in the present application and the rejections of claims 1-15 are being appealed. Claims 1-2, 7-10, 12, and 13 have been finally rejected under 35 USC 102(e); claims 3-6, 11, 14, and 15 have been finally rejected under 35 USC 103(a).

IV. Status of Amendment

A proposed Amendment After Final Rejection was mailed on January 25, 2005 and provided Appellant's reasons for Appellant's belief that the invention claimed in the present application is not anticipated by or obvious in view of the cited art. The reasoning provided in the proposed Amendment After Final was not deemed to overcome the rejections under 35 U.S.C.102 or 35 U.S.C. 103. It appears that Appellant's Amendment After Final is to be entered upon the filing of a Notice of Appeal and an Appeal Brief.

V. Summary of Claimed Subject Matter

The present invention is directed to a document server for, and a process of, assembling content from several unique content providers into a single document for delivery to a uniquely defined subscriber by providing automatically created compatible resource locators (URLs) for each content provider in order to access their content. (See page 5, lines 15-27, page 10, line 27 through page 11, line 2, and page 12, lines 11-22). Since the resource locators are different for each content provider and have variable slots in the resource locator to account for parameters such as date identification, and since the subscriber pre-defines the nature of the content desired, a process of obtaining content is claimed. (See page 11, lines 6-17). A template compatible with the resource locator of a content provider (having content meeting a subscriber's defined content) has a plurality of parameter slots that are populated by inserting recalled stored parameter values. (See

page 11, line 18 through page 12, line 10). The populated template, which is a resource locator, is transmitted to the content provider and content is received from the content provider in response to the transmission. (See page 12, line 28 through page 13, line 28). At least the received content is assembled for delivery to the subscriber's terminal.

With regard to independent claim 1 rejected under 35 USC 102, a preferred embodiment of a method of assembling content is described in the specification at page 12, line 28 through page 13, line 28. Each element of a preferred embodiment is found in Fig. 7 with the corresponding reference numbers as follows: "obtaining a subscriber's content definition" - reference no. 701; "defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition" - reference no. 704; "recalling stored parameter values and inserting said parameter values in said parameter slots to create a provider resource locator" - reference no. 706; "transmitting said provider resource locator on the network" - reference no. 716; "receiving content from said content provider in response to said transmission of said provider resource locator" - reference no. 718; "assembling at least said received content for delivery from the document server to the subscriber's terminal" - reference no. 720.

With regard to independent claim 12 rejected under 35 USC 102, a preferred embodiment of a document server comprising certain elements is described in the specification as follows: "a knowledge module storing a subscriber's content definition" - FIG. 3, reference no. 351 and page 8, line 10 through page 9, line 10; "a locator template that has a plurality of parameter slots and is compatible with a resource locator of a selected content provider that offers content meeting said content definition" - FIG. 6-1, reference no. 601; "a database module that stores parameter values associated with said selected content provider and content received from content providers" - FIG. 3, reference no. 308 and page 8, lines 3-5; "a content manager that recalls said stored parameter values from said database module, inserts said recalled parameter values in said parameter slots to create a provider resource locator, accepts content from said selected content provider and assembles content from said selected content provider for delivery to the subscriber's terminal" - FIG. 3, reference no. 307 and page 6, lines 1-3,

page 9, lines 11-16, page 10, lines 10-26, and page 12, lines 18-22; "a network interface that transmits said provider resource locator on said network to obtain content from said selected content provider" - FIG. 3, reference no. 310 and page 6, lines 5-7.

With regard to independent claim 13 rejected under 35 USC 102, the elements of a preferred embodiment of a method of assembling content are shown and described in the specification as follows: "accepting a subscriber's profile including at least first and second preferred definitions of content" - FIG. 4, reference no. 407 and Page 8, lines 1-13; "defining first and second locator templates having a plurality of defined parameter slots and being compatible with first and second resource locators of a first content provider providing content meeting said first preferred definition and a second content provider providing and content meeting said second preferred content, respectively" - FIG. 6-2 and page 12, lines 1-22; "storing predetermined parameter values in an association with each of said first and second preferred definitions of content" - page 12, lines 7-10; "recalling said predetermined parameter values for said first preferred definition of content, thereby identifying first values, and inserting said first values in said defined parameter slots of said first locator template to create a first content provider resource locator" - FIG. 7, reference nos. 706 and 708 and page 12, line 28 through page 13, line 28; "recalling said predetermined parameter values for said second preferred definition of content, thereby identifying second values, and inserting said second values in said defined parameter slots of said second locator template to create a second content provider resource locator" - FIG. 7, reference nos. 704, 706, 708, and 714 and page 12, line 28 through page 13, line 28; "transmitting said first content provider resource locator on the network" and "transmitting said second content provider resource locator on the network" - FIG. 7, reference no. 716 and page 12, line 28 through page 13, line 28; "receiving first content from said first content provider in response to said transmission of said first content provider resource locator and receiving second content from said second content provider in response to said transmission of said second content provider resource locator" - FIG. 7, reference no. 718 and page 12, line 28 through page 13, line 28; "assembling said first content and said second content for delivery from the document

server to said subscriber" - FIG. 7, reference no. 720 and page 12, line 28 through page 13, line 28.

With regard to dependent claim 3 rejected under 35 USC 103, the additional elements of a preferred embodiment of a method of assembling content is shown and described in the specification as follows: "when said content is received, assigning said received content a storage name, said storage name including a current date code and a content definition code" - page 14, lines 15-22; "confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content" - page 14, lines 23-29.

With regard to dependent claim 6 rejected under 35 USC 103, the additional element of a preferred embodiment of a method of assembling content is shown and described in the specification as follows: "varying a parameter value to account for predictable errors of said parameter value to create another provider resource locator" - page 14, lines 4-14.

With regard to dependent claim 11 rejected under 35 USC 103, the additional elements of a preferred embodiment of a method of assembling content is shown and described in the specification as follows: "ascertaining subscriber advertising information preference and further to said assembling step, assembling said preferred advertising information with said received content" - page 8 line 1 through page 9, line 16 and page 13, lines 29-31.

With regard to dependent claim 14 rejected under 35 USC 103, the additional elements of a preferred embodiment of a method of assembling content is shown and described in the specification as follows: "when said first content is received, assigning said received first content a first storage name, said first storage name including a current date code and a first content definition code" and "when said second content is received, assigning said received second content a second storage name, said second storage name including said current date code and a second content definition code" - page 14, lines 15-22; "confirming the existence of said first storage name and confirming the existence of said second storage name when said first and second content is to be assembled, thereby identifying missing content" - page 14, lines 25-29.

With regard to dependent claim 15 rejected under 35 USC 103, the additional elements of a preferred embodiment of a method of assembling content is shown and described in the specification as follows: "recalling stored parameter values and inserting said parameter values in said parameter slots to create a uniform resource locator (URL) as a provider resource locator" - FIG. 7, reference no. 708, page 12, lines 1-22, and page 13, lines 6-8.

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-2, 7-10, 12, and 13 are properly rejected under 35 USC 102(e) as being anticipated by USP 6,594,682 to Peterson et. al ("Peterson"); whether claims 3-6 and 14 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Peterson in view of USP 6,377,963 to Walker et al. ("Walker"); whether claim 11 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of USP 6,460,036 to Herz ("Herz"); and whether claim 15 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Isaac et al. USP 6,632,248 ("Isaac").

VII. Argument

Rejection under 35 USC 102(e): Claims 1-2, 7-10, 12, and 13

35 U.S.C. 102(e) states that: "A person shall be entitled to a patent unless - ... (e) the invention was described in ... (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent...". Appellant contends that Appellant's *invention* was not so described.

It is well established that there is a high standard for anticipation of an invention. "To constitute an anticipation, all of the elements recited in the claim or their equivalents must be found in one unit of the prior art." Soundsciber Corp. v. United States, 360 F.2d

954, 960, 148 USPQ 298, 301 (Ct. Cl. 1966). In continuing this interpretation, the Federal Circuit has stated: "Anticipation requires the presence in a single prior art reference disclosure of all elements of a claimed invention arranged as in the claims." Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). Also see In re Donohue, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985) and Atlas Powder Co. v. E.I. DuPont de Nemours & Co., 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984).

Appellant is convinced that the claimed invention is not patented or described in Peterson because Peterson does not teach or describe the claimed invention or, if some features taught by Peterson are present in the claimed invention, there remain claimed elements missing from the teaching and disclosure of Peterson.

Peterson discloses client-based method and apparatus to gather and organize Web content. Peterson desires that the process be client-based rather than centralized because Peterson believes a centralized information service is a choker point to information flow. See col. 3, lines 61-64. Peterson's system utilizes a fetching program that goes out to the Web with URLs to locate content, which it then downloads to the client. See col. 9, lines 53-59 and col. 4, lines 36-38. User preferences are stored *at the client* and are used to collect additional content from the Web and to create filters to remove unwanted content before it is presented to the user. See col. 10, lines 17-24. The content is obtained by the client using a delivery subsystem that, among other things, obtains an index to Web content. The index summarizes the content to facilitate local search and find tasks (see col. 4, lines 30-44) and can include a fixed parameter uniform resource locator (URL) supplied for the content provider (see col. 6, lines 20-22). The index is delivered to the client (see col. 6, lines 16-47) where it is stored in a local cache (see col. 9, lines 53-56). The filters, which are created from the user preferences, scan the index at the client and identify matches between the user preferences and information stored in the index, or, for a pre-cache filter, before the index items or content is stored at the client (see col. 10, lines 29-39).

Appellant has stated the problem addressed by the present invention: "It is the variability of the resource locators used by each syndicator or content provider that

causes significant problems in the automation of content gathering.” Page 11, lines 6-7. If one merely wishes to copy a given provider's URL and subsequently play it back to obtain content, as Peterson teaches, one does not solve the problem created when the content provider offers content of interest that is available using a variable URL. Peterson does not teach that a URL can be variable; only one fixed URL is available to be used for specific content from the content provider. Moreover, the user's content definition is not considered in recalling stored parameters for use in insertion into parameter slots in the resource locator template, as required in Appellant's claim 4. Peterson uses user preferences, stored in a local preference store, in filtering the content that has already been locally stored or is in the process of being received. See col. 9, line 53 through col. 10, line 43. Distinctively, Appellant's invention is directed, *inter alia*, to the creation and use of variable URLs, that is, URLs with parameter slots to be filled with stored values. While Peterson can include a URL in its locally stored index, Peterson neither teaches that such a URL has parameter slots nor that a content provider URL can or should be modified. Note that Appellant's invention stores a content provider compatible *template*, not a content provider complete URL.

In the Office Action mailed November 26, 2004, Examiner equated Peterson's "channels" and Appellant's "parameter slots". Examiner also equated Peterson's "new channel...that presents the Web content from the set of channels" with Appellant's "provider resource locator". Presumably, there is an equation of Peterson's "preferred Web content" with Appellant's "content definition". In order to continue to fit Examiner's hypothetical equivalences, one must assume Peterson's browser performs the claimed step of "defining a locator template..." etc. Peterson discloses a "channel" which contains content (i.e., "preferred Web content"/"content definition") specified by the user. (See col. 11, lines 57-66, for example). Since "channels" are hypothetically "parameter slots", Appellant's "parameter slots" equivalently must contain content. In fact, Appellant's parameter slots are part of a locator template, which, when filled with parameter values are used to *obtain* content, i.e., a resource locator, and do not contain content. The hypothesis breaks down and one must conclude that Appellant's claimed invention is different and distinct from such an interpretation of Peterson.

Appellant's claim 1 also requires that content received as a result of the transmitting the provider resource locator on the network be assembled at the document server (that is, at the centralized location) before it is delivered to the subscriber's terminal. This is unlike Peterson and is contrary to the rationale given by Peterson for Peterson's invention: improving distribution of Web content by decentralizing to client-based system, otherwise "[b]y centralizing all information, the data source becomes a choker point to all information flow." Col. 3, lines 63-64. Peterson teaches that the user may "elect certain channels and content by appropriately marking them in the index viewer UI 122." Col.10, lines 14-16. These preferences are stored and used to create filters used by a browser (90) at the user's location to "scan the index 30 or Web content 28. Index items or content data that do not match the user's preferences are discarded." Col. 10, lines 29-33. This same filtering concept is continued in col. 11, line 39 - col. 12, line 3. Peterson does not - as required in Appellant's claim 1 - insert the stored parameters directly into the resource locator (i.e., the URL) and transmit these stored parameters on the network. This fact is made especially clear when one considers that Peterson pre-stores the URL for sites having content that meets the user's preferences, and uses the pre-stored URL (clearly without parameter slots for inserting parameter values) to access the site identified by the pre-stored URL. See col. 12, lines 4-15. Peterson's aggregation/disaggregation of content "all occurs at the client, so the server-side organization is not disturbed." Col. 12, lines 21-23.

Peterson, moreover, does not assemble the "received content for delivery from the document server to the subscriber terminal", as required by claim 1. Peterson states that "[t]his all occurs at the client, so the server side organization is not altered." Col. 12, lines 21-23.

In Examiner's response to Appellant's first amendment and remarks, Examiner points out that claim 1 does not explicitly state that it is a URL that has parameter slots. Appellant has clearly stated that a resource locator may be a URL (page 12, line 28), so that specificity cannot be excluded from the interpretation of the meaning of the words. Even so, the explicit language of the claim provides internal limits to the definition and clearly sets the claimed invention apart from Peterson.

Similar arguments are pertinent for independent claims 12 and 13 and dependent claims 2 and 7-10. Claim 10 deserves special mention, however. Since Peterson's system is client-based, decisions are made locally as to when raw content is to be pulled from the Web: "In some cases, the user may wish to schedule the gathering of Web content at predictably low traffic times, such as at midnight or early morning hours. Peterson's user enters these constraints in the 'Time' field of the schedule UI 100, as shown. The ability to coordinate delivery of content at off-hours helps alleviate network congestion and the burden on servers." Col. 9, lines 10-15. Appellant's claim 10 and its base claims 1 and 9 require the content to be assembled before delivery, not delivered to the client and subsequently dealt with. Furthermore, Peterson teaches that a separate subsystem, a scheduler, is used to enable the user to schedule the certain Web content to be collected at the client-based system. See col. 8, line 63 - col. 9, line 4. The present Application requires that the scheduling of delivery is performed in accordance with the subscriber profile.

Rejection under 35 USC 103(a): Claim 11

Examiner has rejected claim 11 under 35 USC 103(a) as being unpatentable over Peterson in view of USP 6,460,036 to Herz ("Herz"). Herz discloses a system and method that identifies desirable objects in electronic media based upon user interest levels saved as a user profile interest summary. Claim 11 is ultimately dependent upon independent claim 1, which has been shown above to be allowable over Peterson. Herz does not add the elements missing from Peterson to anticipate or make obvious claim 1. Accordingly, claim 11 is believed allowable.

In summary of the foregoing, the teachings of Peterson lack the foregoing claimed features and specifically Peterson does not teach the "defining a locator template...", the "recalling stored parameter values and inserting said parameter values in said parameter slots...", and the "assembling...for delivery from the document server..." steps of independent claims 1 and 13, and the equivalent elements of independent apparatus claim

12. The rejection of the claims under §102 is improper because all of the elements recited in the claim cannot be found in the cited one prior art reference.

Rejection under 35 USC 103(a): Claims 3-6 and 14

A rejection under §103(a) requires that "...the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains..." 35 U.S.C. 103(a). The investigation of obviousness has been well defined in Graham v. Deere, 383 U.S. 1, 148 USPQ 459 (1966). Three factual inquiries are to be made when performing analysis under §103: 1) the scope and content of the prior art are to be determined; 2) the differences between the prior art and the claimed invention are to be ascertained; and 3) the level of ordinary skill in the pertinent art is to be resolved. In the present Appeal, we look first to the first and second Graham inquiries to determine whether the scope and content of the cited art disclose pertinent art, and whether that disclosed art is different than Appellant's claims 3-6 and 14. If limitations are simply not found in the cited references, alone or in combination, the §103 rejection is improper and must be withdrawn.

It is Appellant's contention that the references cited against claims 3-6 and 14 do not, independently or combined, teach or disclose at least the claimed limitations of: a) including in a user profile a scheduled time at which a report is to be delivered to a user, b) delivering the report to the user at the scheduled time without human intervention, and c) both accepting an event request from the user and searching network sites for events corresponding to the event request.

Examiner has rejected claims 3-6 and 14 under 35 USC 103(a) as being unpatentable over Peterson in view of Walker. Walker discloses a method and system for managing information presented in periodicals by creating personalized indexes that identify the content of the periodicals in a manner that match a subscriber's preferences. Walker creates several databases that include, *inter alia*, a magazine ID number,

magazine name, and time periods in which the particular magazine was or will be in publication (in a magazine database 251) (col. 4, lines 56-62); a content code (in a content database 252); and a magazine ID number and a subscription expiration date (in a subscriber database 253).

With regard to Appellant's claim 3 (and true also for claim 14), Examiner has acknowledged that Peterson does not, among other things, disclose that the *name* of the file includes the current date code and content definition code in the file name and attempts to persuade that Walker fills in these deficiencies. Even if the combination were allowable, Appellant respectfully disagrees. While Walker may create a database containing data such as magazine ID number (which Examiner equates to Appellant's "content code") and subscription expiration date, etc., Walker does not *name* the entry into the database with a current date code and content definition code (as required in claim 3). A file name and file contents are different entities. Appellant has claimed that the content be assigned a storage *name* and the *name* include a current date code and a content definition code. The file name for the entries the file contains is not the same as entries themselves, as taught by Walker. One would expect various information to be stored as data in a database; it has not been suggested by Walker or Peterson that date code and content definition code are included in the storage *name*. Therefore the proposed combination of Peterson and Walker cannot be deemed to make claim 3 obvious and the rejection of claim 3 is deemed improper.

With regard to Appellant's claims 4, 5, and 6, Examiner has referenced Walker's description of data that Walker stores in a database. As discussed above, neither Walker nor Peterson disclose storing specific elements of data in the storage location *name*.

The foregoing assumes that the combination of Peterson and Walker is proper. There is, however, no concrete motivation, suggestion, or teaching in Peterson or Walker to make the combination used by Examiner. Modern interpretation of section 103 "requires that there be some suggestion, motivation, or teaching in the prior art whereby the person of ordinary skill would have selected the components that the inventor selected and used them to make the new device." C.R. Bard Inc. v M3 Systems Inc., 157 F.3d 1340, 1351, 48 USPQ 2d 1223, 1231 (Fed. Cir. 1998). In particular, "it is

insufficient that prior art shows similar components, unless it also contains some teaching, suggestion, or incentive for arriving at the claimed structure." Bard, 157 F.3d at 1351, 48 USPQ 2d at 1232. Also see ACS Hospital Systems, Inc. v Montefiore Hospital et al., 732 F.2d 1572, 221 USPQ 929 (Fed. Cir. 1984). Any suggestion or incentive in the cited prior art to produce the combination used is notably absent. Appellant, therefore, contends that the combination is improper.

Rejection under 35 USC 103(a): Claim 15

Examiner has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Peterson in view of Isaac et al. USP 6,632,248 ("Isaac"). Peterson has been shown, above, to not disclose or suggest recalling and inserting parameter values into parameter slots to create a provider resource locator which is transmitted on the network. Examiner acknowledges that Peterson does not explicitly state an equivalence between Appellant's "provider resource location" and a URL (Uniform Resource Locator). Examiner cited Isaac as defining a URL as a provider resource locator with the elements of Appellant's claimed invention missing from Peterson being taught by Isaac. Isaac discloses a shortcoming of conventional HTML documents being "...all users who access a document receive the same information and links." Col. 1, lines 63-64. Isaac teaches that a customizable HTML page may be reached by using a network address that is associated with the customizable HTML page. Col. 2, lines 16-25. Once the user has the HTML customize page, the user may specify sports, news, weather, etc. to be added to the customized page. Col. 2, lines 25-32. "In addition, the HTML customization document can allow the user to designate *specific network addresses or URLs* to be included *on the customized HTML document*." Col. 2, lines 32-35 (emphasis added). With further access to the network address, a "cookie" is returned by the user to have the customized HTML document formed for the user. Col. 2, lines 49-60.

Isaac does not provide the missing steps or elements. Isaac only enables an *HTML document* to be customized. Isaac's URL (which, itself, may be added to a customized HTML document) is a fixed string, and does not have parameter slots into

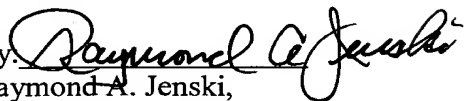
which are inserted recalled parameter values. See col. 7, line 59 - col. 8, line 5. Moreover, there is no suggestion or motivation in either reference to combine them as Examiner has suggested. Section 103 "requires that there be some suggestion, motivation, or teaching in the prior art whereby the person of ordinary skill would have selected the components that the inventor selected and used them to make the new device." C.R. Bard Inc. v M3 Systems Inc., 157 F.3d 1340, 1351, 48 USPQ 2d 1223, 1231 (Fed. Cir. 1998). In particular, "it is insufficient that prior art shows similar components, unless it also contains some teaching, suggestion, or incentive for arriving at the claimed structure." Bard, 157 F.3d at 1351, 48 USPQ 2d at 1232. Also see ACS Hospital Systems, Inc. v Montefiore Hospital et al., 732 F.2d 1572, 221 USPQ 929 (Fed. Cir. 1984). Any suggestion or incentive in the cited prior art to produce the combination used is notably absent. Appellant, therefore, contends that the combination is improper.

In conclusion, Appellant has demonstrated that the claims of the present Application have been improperly rejected. Appellant respectfully requests that the rejections under 35 USC 102(e) and 35 US 103(a) be reversed and the present Application be returned to Examiner for allowance.

The text of the claims on appeal are double spaced and attached hereto as Appendix VIII.

Respectfully Submitted,

Michael J. Bialek

By: 
Raymond A. Jenski,
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Reg. No. 31,267

VIII. CLAIMS APPENDIX

1. A method of assembling content from content providers, the content providers having the content available on a network, for delivery from a document server to a subscriber's terminal, comprising the steps of:
 - obtaining a subscriber's content definition;
 - defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition;
 - recalling stored parameter values and inserting said parameter values in said parameter slots to create a provider resource locator;
 - transmitting said provider resource locator on the network;
 - receiving content from said content provider in response to said transmission of said provider resource locator; and
 - assembling at least said received content for delivery from the document server to the subscriber's terminal.
2. A method of assembling content in accordance with the method of claim 1 further comprising the step of storing said received content.
3. A method of assembling content in accordance with the method of claim 2 further comprising the steps of:

when said content is received, assigning said received content a storage name, said storage name including a current date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content.

4. A method of assembling content in accordance with the method of claim 1 wherein the step of recalling stored parameter values further comprises the step of recalling stored parameter values that are stored in an association with at least part of said content definition.

5. A method of assembling content in accordance with the method of claim 1 wherein one of said stored parameters is a publication date, the method further comprising the step of incrementing said publication date by a predetermined time to create a second provider resource locator.

6. A method of assembling content in accordance with the method of claim 1 further comprising the step of varying a parameter value to account for predictable errors of said parameter value to create another provider resource locator.

7. A method of assembling content in accordance with the method of claim 1 further comprising the step of delivering said assembled content to the subscriber's terminal.

8. A method of assembling content in accordance with the method of claim 1 further comprising the step of conveying said assembled content to the subscriber's terminal.

9. A method of assembling content in accordance with the method of claim 1 wherein said step of obtaining a subscriber's content definition further comprises the step of recalling a subscriber profile.

10. A method of assembling content in accordance with the method of claim 9 further comprising the step of scheduling delivery of said assembled content at a time in accordance with said subscriber profile.

11. A method of assembling content in accordance with the method of claim 9 further comprising the steps of ascertaining subscriber advertising information preference and further to said assembling step, assembling said preferred advertising information with said received content.

12. A document server that assembles content from content providers that offer content on a network for delivery to a subscriber's terminal, comprising:

a knowledge module storing a subscriber's content definition;

a locator template that has a plurality of parameter slots and is compatible with a resource locator of a selected content provider that offers content meeting said content definition;

a database module that stores parameter values associated with said selected content provider and content received from content providers;

a content manager that recalls said stored parameter values from said database module, inserts said recalled parameter values in said parameter slots to create a provider resource locator, accepts content from said selected content provider and assembles content from said selected content provider for delivery to the subscriber's terminal; and

a network interface that transmits said provider resource locator on said network to obtain content from said selected content provider.

13. A method of assembling content from content providers, which have the content available on a network, for delivery from a document server to a subscriber's terminal, comprising the steps of:

accepting a subscriber's profile including at least first and second preferred definitions of content;

defining first and second locator templates having a plurality of defined parameter slots and being compatible with first and second resource locators of a first content provider providing content meeting said first preferred definition and a second content provider providing and content meeting said second preferred content, respectively;

storing predetermined parameter values in an association with each of said first and second preferred definitions of content;

recalling said predetermined parameter values for said first preferred definition of content, thereby identifying first values, and inserting said first values in said defined

parameter slots of said first locator template to create a first content provider resource locator;

recalling said predetermined parameter values for said second preferred definition of content, thereby identifying second values, and inserting said second values in said defined parameter slots of said second locator template to create a second content provider resource locator;

transmitting said first content provider resource locator on the network;

transmitting said second content provider resource locator on the network;

receiving first content from said first content provider in response to said transmission of said first content provider resource locator and receiving second content from said second content provider in response to said transmission of said second content provider resource locator; and

assembling said first content and said second content for delivery from the document server to said subscriber.

14. A method of assembling content in accordance with the method of claim 13 further comprising the steps of:

when said first content is received, assigning said received first content a first storage name, said first storage name including a current date code and a first content definition code;

when said second content is received, assigning said received second content a second storage name, said second storage name including said current date code and a second content definition code; and

confirming the existence of said first storage name and confirming the existence of said second storage name when said first and second content is to be assembled, thereby identifying missing content.

15. A method of assembling content in accordance with the method of claim 1 wherein the step of recalling stored parameter values further comprises the step of recalling stored parameter values and inserting said parameter values in said parameter slots to create a uniform resource locator (URL) as a provider resource locator.

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IX. EVIDENCE APPENDIX

Not applicable to the present application.

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X. RELATED PROCEEDINGS APPENDIX

No related decisions.